

MONTANA LEGISLATIVE HISTORY

Chapter 76 19 55

Bill H 319 S _____ Original bill & history C

H. Committee on Judiciary

Hearing Date(s) _____ C

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Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) Feb 16 ✓ C

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No minutes for this comm. were recorded.

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

February 16, 1955

It was decided by the committee to withhold decision on HB 394 until Judge Taylor appears.

HB 377 and discussed by Anderson and Daniels. Hibbs suggested an amendment. Mr. Schultz of the Highway Patrol wants to appear before the committee on this bill. It was decided to withhold decision until Schultz appears.

HB 308. Daniels spoke on this bill. After they were excused Angstman moved that HB 308 be not concurred in. Dwyer seconded the motion. Motion carried.

HB 307. Daniels spoke on this bill regarding escheated estates. There seemed to be much controversy and it was decided to wait until the following meeting before final decision.

HB 272 was discussed by Anderson who stated it was a Yellowstone County Bar Association Bill. After he was excused Angstman moved that HB 272 be not concurred in. Wallace seconded the motion. Motion carried.

HB 319. Some court reporters from Butte appeared before the committee in regard to raising their salaries. Mr. Frank V. Rice and Mr. Flurry J. Sullivan, both from Butte, spoke on this bill. After they left, the bill was discussed by the committee. Dwyer moved HB 319 be concurred in. Nutter seconded. Motion carried.

HB 52 is a segregation bill. Nutter submitted some proposed amendments to the bill. After discussion by the committee Nutter moved HB 52 as amended be concurred in. Hibbs seconded the motion. Motion carried.

Meeting adjourned at 5:40 PM.

Attest:

Nelva Jane Meredith
Nelva Jane Meredith

Secretary to the Committee

Conrad W. Nutter
Chairman

State Risks Must Contain Therein an Agreement on the Part of the Insurer Waiving All Right to Raise the Defense of Sovereign Immunity.

Be it enacted by the Legislative Assembly of the State of Montana:

State insurance waiver of sovereign immunity required.

Section 1. All contracts or policies of casualty insurance covering state-owned properties or state risks must contain therein as a part thereof, an agreement on the part of the insurer waiving all right to raise the defense of sovereign immunity and no money shall be paid out of the state treasury to any person, firm or corporation, as a consideration or premium on any policy or contract of casualty insurance unless said policy or contract of casualty insurance contains said agreement.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 75

An Act Providing for the Dispensing of a General Election in Cities Operating Under the Commission-manager Form of Government When the Nominations Do Not Exceed the Offices to be Filled and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Commission-manager government—general election dispensed with—when.

Section 1. **Dispensing of General Election.** Whenever, in any city operating under a commission-manager form of government at a primary election held in accordance with section 11-3215, the number of nominees shall not exceed the number of officers to be elected, then such nominees shall be deemed duly elected to the respective offices. Then, in that event, no general municipal election shall be held in said city for said year. All matters, other than the election of officers, upon which the general public shall vote shall be disposed of at the primary election unless a special election is held for that purpose.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 76

An Act to Amend Chapter 125 of the Session Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Salary and Expenses of Stenographer, Providing for Furnishing Transcripts and Bills of Exceptions to County Without Cost, Providing Manner in Which Salary Shall be Paid and Fixing Basis for Apportionment of Salary Between or Among Counties Comprising the Judicial District for Which Said Stenographer Has Been Appointed, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That chapter 125 of the session laws of the thirty-third legislative assembly of the State of Montana, 1953, be, and the same is hereby amended to read as follows:

Amending clause.

§ 93-1906. (8933) **Salary and Expenses of Stenographer — Apportionment.** Every stenographer appointed under the provisions of this chapter receives an annual salary of *five thousand four hundred (\$5,400.00)* dollars and no other compensation except as provided in section 93-1904, provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The stenographer is allowed, in addition to the salary and fees above-provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

Salary and expenses—court stenographer.

Apportionment by counties.

Travel and living expenses.

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 77

An Act to Amend Section 38-208.3 Revised Codes of Montana, 1947, as Enacted by Section 3, Chapter 182 of the Session Laws of Montana, 1953, Relating to the Cost of Commitment Proceedings in Emergency Admissions to the Montana State Hospital; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 38-208.3 of the Revised Codes of Montana, 1947, as enacted by section 3, chapter 182 of the session laws of Montana, 1953, be, and the same is hereby amended to read as follows:

State hospital
commitment
costs.

"38-208.3. *Cost of Commitment Proceedings.* In all cases provided for by this act the cost of commitment proceedings shall be paid by the county of the patient's residence except that when the state hospital cannot determine the legal residence, the costs shall be paid by the county from which the certificate of the county physician is issued."

Repealing
clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1955.

CHAPTER 78

An Act to Amend Section 26-107 of the Revised Codes of Montana, 1947, as Amended by Chapter 58 of the Session Laws of 1951, Relating to Deputy Fish and Game Wardens and Their Appointment; Providing for Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending
clause.

Section 1. That section 26-107 of the Revised Codes of Montana, 1947, as amended by chapter 58 of the session

laws of 1951, be, and the same is hereby amended to read as follows:

"26-107. *State Game Wardens — Appointment — Qualifications.* The director, by and with the consent and approval of the commission, shall have the power to employ, and appoint a deputy director who shall have previously served as a state game warden, and a sufficient number of state game wardens for the proper enforcement of the fish and game laws of the state, and the orders, rules and regulations of the commission, and for such other purposes as the director may designate. State game wardens shall be selected from applicants who have passed such an examination as may be required according to the rules adopted and promulgated by the commission. No person shall be appointed a state game warden until a certificate shall have been issued to him by the commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office. State game wardens employed and appointed by virtue of this act shall be persons who have an interest in protection, conservation and propagation of wildlife, game and fur-bearing animals, fish and game birds; they shall devote all of their time to their official duties."

State game
wardens—
appointment,
qualifications,
duties.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing
clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective
immediately.

Approved February 27, 1955.

CHAPTER 79

An Act to Amend Section 26-106 of the Revised Codes of Montana, 1947, as Amended by Chapter 81 of the Session Laws of 1951, Relating to the State Fish and Game Warden, His Qualifications and Duties, and to Repeal Section 26-122 of the Revised Codes of Montana, 1947, Relating to Employment of Personnel, and Providing for the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 26-106 of the Revised Codes of Montana, 1947, as amended by chapter 81 of the session

Amending
clause.